

SENATE BILL 2457

By Henry

AN ACT to amend Tennessee Code Annotated, Title 10,
Chapter 7; Title 63 and Title 68, relative to access
to records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-1-117, is amended by deleting subsections (g) and (f) and substituting the following:

(f)

(1) The following materials, documents and other matters related to, compiled or created pursuant to an investigation, inspection or survey conducted by department investigators, inspectors or surveyors shall not be a public record before formal disciplinary charges are filed against the provider:

- (A) Allegations against the health care provider;
- (B) Complainant's identifying information;
- (C) Identifying information of a witness who requests anonymity;
- (D) Patient's identifying information;
- (E) Patient's medical record; and
- (F) Investigator's, inspector's, or surveyor's report.

(2) Notwithstanding subdivision (f)(1), the following materials, documents and other matters related to, compiled or created pursuant to an investigation, inspection or survey of an assisted-care living facility licensed under title 68, chapter 11, part 2, that is conducted by department investigators, inspectors or surveyors shall not be a public record before formal disciplinary charges are filed against the provider:

- (A) Complainant's identifying information;
- (B) Identifying information of a witness who requests anonymity;
- (C) Patient's identifying information; and
- (D) Patient's medical record.

(g) After the filing of formal disciplinary charges against the provider, only the materials and documents upon which the charges are based may be disclosed as a public record, but not the complainant's identifying information, identifying information of a witness who requests anonymity, patient's identifying information, and patient's medical record.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.